IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 4568 (S/S) 2001

59 A.P., Raj Kumar S/o Sri Vikram Singh,
Resident of Reserve Police Line,
Pauri Garwhal. ..... Petitioner.

Versus

1. Superintendent of Police, Pauri Garhwal,
2.State of Uttaranchal. .....Respondents.

Sri Vinod Sharma, learned Counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for State,

Hon'ble M.M. Ghildiyal, J.

Heard Sri D.N. Sharma, holding brief of Sri Vinod Sharma, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i) Issue a writ, order or direction in the nature of certiorari calling for the records of the case and to quash the impugned order dated 12.11.1998 (Annexure 1 to the writ petition),

ii) Issue a writ, order of direction in the nature of mandamus directing the respondent not to give effect to the impugned order and not to interfere in any working of the petitioner as Constable,

iii) Issue any other such order or direction which may deem fit and proper under the circumstances of the case,

iv) Award the cost of the petition to the petitioner.

From perusal of the record, it appears that the petitioner who was working as Constable in U.P. Police under the control of respondent no.1, was suspended for certain charges vide order dated 12.11.1998. On 6th October 2001, this Court stayed operation of the impugned order dated 12.11.1998 till the next date of listing. At the time of hearing the petition, learned counsel for the petitioner could not inform the Court as to whether the petitioner has opted for State of U.P. or for State of Uttarakhand and, in case, he has opted for State of U.P., whether he has been relieved or not?

In the circumstances above, in case, the petitioner is finally allocated to the State of Uttarakhand and is working in the State, the respondents are directed to conclude the inquiry, if any initiated against the petitioner, and pass final orders within a period of two months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

February 20, 2007:
NCM: